

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

EMMANUEL DAVIS, on behalf of
Himself and all others similarly situated,

Plaintiff,

vs.

HOLIDAY IMAGE, LLC, M SCHWAM
INC. f/k/a HOLIDAY IMAGE, INC,
MATTHEW SCHWAM, and JOHN DOES
#1-10

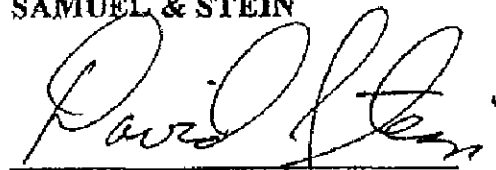
Defendants.

Case No. 10-CV-3880(CBA) (JMA)

IT IS HEREBY STIPULATED AND AGREED, by and between the parties in the above captioned action, through the undersigned counsel, that, in accordance with Rule 41 of the Federal Rules of Civil Procedure, the action be dismissed, with prejudice and without costs or attorneys' fees to any party, as to Plaintiff EMMANUEL DAVIS, and dismissed without prejudice and without costs or attorneys' fees to any party as to the members of the alleged putative class action and/or collective action other than Plaintiff EMMANUEL DAVIS. This Stipulation does not prejudice the rights, if any, of the members of the alleged putative class action and/or collective action other than EMMANUEL DAVIS. The Court retains jurisdiction over this matter to enforce the settlement agreement between the parties.

Dated: July 11, 2011

SAMUEL & STEIN



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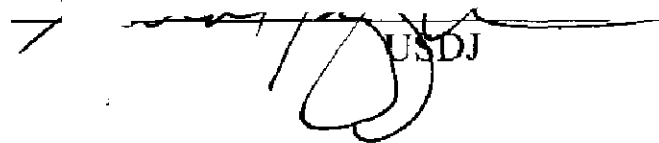
OFFIT KURMAN, P.A.



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SO ORDERED:
July 13, 2011

s/CBA



USDJ